Supreme Court, U.S.
FILED
FEB 25 1994
OFFICE OF THE CLERK

(2)

No. 93-1237

In The

Supreme Court of the United States

October Term, 1993

ROGER F. QUISENBERRY,

Petitioner,

v.

STELLY-HOVEN, INC.;
RPI MANAGEMENT CORPORATION;
LANDCO, INC.; and
MILTON T. BAUER, CLERK OF THE
CIRCUIT COURT OF PALM BEACH
COUNTY, FLORIDA,

Respondents.

ON PETITION FOR WRIT OF CERTIORARI TO THE FLORIDA SUPREME COURT

RESPONDENTS' BRIEF IN OPPOSITION

Daniel M. Landis
Tedesco & Landis, P.A.
Compson Financial Center, Suite 302
980 North Federal Highway
Boca Raton, Florida 33432
(407) 391-5506
Florida Bar No.: 798266
Attorney for Respondents,
Stelly-Hoven, Inc., RPI Management
Corporation and Landco, Inc.

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STATEMENT OF THE CASE

The facts recited by Petitioner in its Brief contain a major and dispositive inaccuracy. The basis of Petitioner's request to invoke the jurisdiction of this Court relates to a due process argument suggesting that certified mail notice of a tax sale should be sent to the property owner's residence where said residence is known or easily ascertainable from the public records. Simply put, a certified mail notice of the subject tax sale was sent to Petitioner's residence and as such, the question presented by Petitioner is moot. The Affidavit of Palm Beach County Clerk's Office to support Defendants' Motion for Summary Final Judgment, together with attached Exhibits and photocopies of the envelope and certified mail card substantiate the foregoing. App. at 6, 16 and 17.

While Respondents are confident that Petitioner mistakenly omitted this fact, it nonetheless renders the Statement of the Case and for that matter, Petitioner's entire Brief moot.

There are two (2) additional inaccuracies set forth in Petitioner's Statement of Case. The first is found on Page 4 of Petitioner's Brief wherein he states taxes were due for 1989, whereas the Notice of Application for Tax Deed reflects that taxes were due for the years 1988 and 1989 and the other is found on Page 5 of Petitioner's Brief wherein he incorrectly states the date as December 18, 1992, whereas the accurate date is December 18, 1991. See Affidavit of Palm Beach County Clerk's Office to Support Defendants' Motion for Summary Final Judgment. App. at 2 and 14.

SUMMARY OF THE ARGUMENT

I. That whereas the Clerk sent certified mail notice of the tax sale to Petitioner's residence at 5421 South Flagler Drive, West Palm Beach, Florida, Petitioner's Brief is irrelevant and the Petition for Writ of Certiorari should be denied.

II. Further, Fla. Stat. §197.522 meets the due process requirements of the United States Constitution as interpreted by this Court. Accordingly, the Petition for Writ of Certiorari should be denied.

III. Finally, in keeping with the established jurisprudence of this Court, Petitioner fails to meet the jurisdictional requirements to review the subject judgment because it is evident that the Florida Supreme Court delivered no opinion and it appears that its judgment might have rested upon an adequate state ground, especially in light of the fact that Petitioner made

no due process argument at the Trial Court or Appellate Court level.

REASONS FOR DENYING THE PETITION

I. THE PALM BEACH COUNTY CLERK'S OFFICE SENT NOTICE OF THE TAX SALE TO MR. QUISENBERRY'S RESIDENCE RENDERING PETITIONER'S QUESTION PRESENTED AND BRIEF MOOT.

Respondents can only presume that since certified mail, return receipt requested notice was sent to Mr. Quisenberry at his residence address, Petitioner would admit that notice was adequate and his due process was not violated. The cases cited by Petitioner in his Brief to support the due process argument are all tied to the incorrect premise that no notice was sent to Mr. Quisenberry's residence. Since it has been shown that notice was sent to Mr. Quisenberry's residence, the legal authority cited by Petitioner upholds the

constitutionality of the subject tax sale and appears to mandate that Mr. Quisenberry voluntarily dismiss his Petition for Writ of Certiorari. Alternatively, this Court should deny Petitioner's request for the issuance of a Writ of Certiorari.

II. ON ITS FACE, FLORIDA STATUTE §197.522 IS CONSTITUTIONAL AND AS APPLIED TO MR. QUISENBERRY, DOES NOT VIOLATE DUE PROCESS.

Fla. Stat. §197.522 provides:

> 197.522. Notice to owner when application for tax deed is made:
> (1) (a) The clerk of the circuit court shall notify, by certified mail with return receipt requested or by registered mail if the notice is to be sent outside the continental United States, the persons listed in the tax collector's statement pursuant to s. 197.502(4) that an application for a tax deed has been made. Such notice shall be mailed at least 20 days prior to the date of the sale. If no address is listed in the tax collector's statement, then no notice shall be required.
>
> (b) The clerk shall enclose with every copy mailed a statement as follows:

WARNING: There are unpaid taxes on property which you own or in which you have a legal interest. The property will be sold at public auction on (date) unless back taxes are paid. To make payment, or to receive further information, contact the clerk of court immediately at (address), (telephone number).

(c) The clerk shall complete and attach to the affidavit of the publisher a certificate containing the names and addresses of those persons notified and the date the notice was mailed. The certificate shall be signed by the clerk and his official seal affixed. The certificate shall be prima facie evidence of the fact that notice was mailed. If no address is listed on the tax collector's certification, the clerk shall execute a certificate to that effect.

(d) The failure of anyone to receive notice as provided herein shall not affect the validity of the tax deed issued pursuant to the notice.

(e) A printed copy of the notice as published in the newspaper, accompanied by the warning statement described in paragraph (b), shall be deemed sufficient notice.

(2) In addition to the notice provided in subsection (1), the sheriff of the county in which the legal titleholder resides

shall, at least 20 days prior to the date of the sale, notify the legal titleholder of record of the property on which the tax certificate is outstanding. The original notice and sufficient copies shall be prepared by the clerk and provided to the sheriff. Such notice shall be served as specified in chapter 48; if the sheriff is unable to make service, he shall post a copy of the notice in a conspicuous place at the legal titleholder's last known address. The inability of the sheriff to serve notice on the legal titleholder shall not affect the validity of the tax deed issues pursuant to the notice. A legal titleholder who resides outside the date may be notified by the clerk as provided in subsection (1). The notice shall be in substantially the following form:

WARNING

There are unpaid taxes on the property which you own. The property will be sold at public auction on ...(date) ...unless the back taxes are paid. To make arrangements for payment, or to receive further information, contact the clerk of court at ... (address) ..., ...(telephone number) ...

In addition, if the legal titleholder does not reside in the county in which the property to be sold is located, a copy of such notice shall be posted in a

> conspicuous place on the property by the sheriff of the county in which the property is located. However, no posting of notice shall be required if the property to be sold is classified for assessment purposes, according to use classifications established by the department, as nonagricultural acreage or vacant land.
> (3) Nothing in this chapter shall be construed to prevent the tax collector, or any other public official, in his discretion from giving an additional notice in any form concerning tax certificates and tax sales beyond the minimum requirements of this chapter.

Petitioner cites Mullane v. Central Hanover Bank & Trust Co., 339 U.S. 306 (1950) to support his due process argument. However, reading Mullane together with Fla. Stat. §197.522 reflects that said Statute meets the constitutional due process requirements whereas Florida has attempted to insure notice and opportunity to be heard by requiring the clerk to send certified mail, return receipt requested

notice of a pending tax sale to the persons listed in the tax collector's statement, to publish notice of a pending tax sale and provide the sheriff of the county in which the legal titleholder resides notice of the tax sale to serve upon the property owner. The statutory schemework created by the State of Florida to provide notice of pending tax sales meet the fundamental requirements of due process as stated by this Court in Mullane and its progeny.

In addition, the facts of this case show that Fla. Stat. §197.522 as applied to Mr. Quisenberry do not violate his due process rights and although it is unfortunate his property was lost, the State of Florida provided more than "notice reasonably calculated, under all of the circumstances, to apprise interested parties of the pendency of the action and afford them an opportunity to present their

exceptions". Id. at 657.

The loss of Mr. Quisenberry's property is a direct result of his failure to pay taxes and properly protect his interests. In Mullane, this Court quoted Justice Marshall as stating:

> It is the part of common prudence for all those who have any interest in [a thing], to guard that interest by persons who are in a situation to protect it.

Id. at 658. It was Mr. Quisenberry's lack of due diligence not the State of Florida's violation of due process which caused the loss of Mr. Quisenberry's property. Accordingly, Fla. Stat. §197.522 as applied to Mr. Quisenberry is constitutional and this Court should deny Petitioner's request for the issuance of a Writ of Certiorari.

III. THAT WHEREAS THE FLORIDA SUPREME COURT RENDERED ITS DECISION WITHOUT OPINION AND IT APPEARS THAT ITS JUDGMENT MIGHT HAVE RESTED UPON A NON-FEDERAL GROUND, THIS COURT WOULD NOT HAVE JURISDICTION TO REVIEW THE JUDGMENT.

Throughout the course of these proceedings, Mr. Quisenberry failed to raise any substantive due process argument. Specifically, Mr. Quisenberry's complaint was devoid of any due process allegations and the only reference to a constitutional based argument was set forth in Mr. Quisenberry's Memorandum in Opposition to Defendants' Motion for Summary Final Judgment. However, the argument was not constitutional but rather, attacked the method of notice which he received. Further, when this case was appealed to the Fourth District Court of Appeals, Mr. Quisenberry's Brief contained absolutely no allegations with respect to a due process violation. Accordingly, when the Florida Supreme Court declined to review this case, it cannot be said that its decision was not based on adequate state grounds. In Stembridge v. State of Georgia, 343 U.S.

541 (1952) this court held:

> Where the highest court of the state delivers no opinion and it appears that the judgment might have rested upon a non-federal ground, this court will not take jurisdiction to review the judgment.

Id. at 837. This well embedded jurisdictional threshold indicates that this Court should not take jurisdiction. It is evident that Petitioner's attempt to invoke jurisdiction pursuant to 28 U.S.C. §1257 is misplaced. At no time during the pendency of these proceedings did Mr. Quisenberry allege that the notice provisions contained in Fla. Stat. §197.522 or as applied under the circumstances of this case violate the United States Constitution. In fact, Mr. Quisenberry attempted to utilize the notice provisions contained in Fla. Stat. §197.522 to his advantage by stating that the Palm Beach County Sheriff's Department failed to

comply with same. Therefore this Court should decline to accept jurisdiction in accordance with its established jurisprudence.

CONCLUSION

For the reasons set forth herein, the Petition for Writ of Certiorari should be denied and Respondents request that costs be taxed against Petitioner.

Respectfully submitted,

DANIEL M. LANDIS, ESQ.
Tedesco & Landis, P.A.
Compson Financial Center, Suite 302
980 North Federal Highway
Boca Raton, Florida 33432
(407) 391-5506
Florida Bar No. 798266

IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT OF FLORIDA, IN AND FOR PALM BEACH COUNTY

CASE NO. CL92-1675-AG

FLORIDA BAR NO.: 798266

ROGER F. QUISENBERRY,

Plaintiff,

vs

STELLY-HOVEN, INC., RPI MANAGEMENT CORPORATION, LANDCO, INC., and MILTON T. BAUER, as Clerk of the Circuit Court of Palm Beach County, Florida,

Defendant(s).
_____/

AFFIDAVIT OF PALM BEACH COUNTY CLERK'S OFFICE TO SUPPORT DEFENDANT'S MOTION FOR SUMMARY FINAL JUDGMENT

STATE OF FLORIDA
COUNTY OF PALM BEACH

On this 1st day of April, 1992, personally appeared TAMARA T. STAMBAUGH, Tax Deed/Transfer Lien Bond Co-ordinator, who being first duly sworn, cautioned, deposed and stated as follows:

1. That she has personal knowledge of the facts set forth herein.

2. That as a Tax Deed/Transfer Lien Bond co-ordinator of the Clerk's office, she has personal knowledge as

to the issuance of the Tax Deed which constitutes the subject matter of these proceedings.

3. That records for the Palm Beach County Tax Collector reflect that the real estate taxes for 1988 and 1989 were not paid on the following described real property:

Lot 2, Block 4, of PALM BEACH RANCHES
(Unrecorded)
Property Identification Number:
00-42-45-10-01-004-0020
Tax Deed File Number: 16113 '89

4. That on or about October 9, 1991, the Palm Beach County Tax Collector's Office forwarded the Tax Deed file known as Certificate Number 16113 '89 to the Clerk's office in order to prepare the necessary documents for a tax deed sale.

5. That the Palm Beach County Clerk's Office prepared a Sheriff's Notice, Notice of Application for Tax Deed and Certified Mail envelopes to advise those individuals and/or entities required to receive notice of a pending Tax Deed sale pursuant to Florida Statute, Sec. 197.502. The documents referenced herein were prepared and mailed out on December 10, 1991, except the Sheriff's Notices which are hand delivered to the Sheriff's Office, all in accordance with Florida Statute, Sec. 197.522. A photocopy of the Affidavit of Mailing signed by me reflecting the Palm Beach County Clerk's Office's compliance with Florida Statutes is attached hereto, marked as Exhibit "A" and incorporated herein as if more fully set forth at this point.

6. The Palm Beach County Clerk's Office caused to be published in the Palm Beach Review the appropriate

Notice required by Florida Statute, Sec. 197.522(e). A photocopy of the publication is attached hereto, marked as Exhibit "B" and incorporated herein as if more fully set forth at this point.

7. The Palm Beach County Clerk's Office forwarded to the Palm Beach County Sheriff's Department the original Sheriff's letter and sufficient copies of the Notice of Application for Tax Deed Sale in accordance with Florida Statute 197.522(2). A photocopy of the Sheriff's Acknowledgement of Receipt of said documents is attached hereto, marked as Exhibit "C" and incorporated herein as if more fully set forth at this point.

8. That a Tax Deed sale with respect to the subject real property was conducted on January 15, 1992. The successful bidders at said sale were STELLY-HOVEN, INC., RPI MANAGEMENT CORPORATION and LANDCO, INC. The Palm Beach County Clerk's Office prepared the appropriate Tax Deed and delivered same to the successful bidders on January 15, 1992. A photocopy of said Tax Deed is attached hereto, marked as Exhibit "D" and incorporated herein as if more fully set forth at this point. Said Tax Deed was completed in compliance with Florida Statute, Sec. 197.552.

9. That after the Sheriff completed service of the Notice of Application for Tax Deed, the Sheriff delivered to the Palm Beach County Clerk's Office his Affidavit of Service. A photocopy of said Affidavit of Service is attached hereto, marked as Exhibit "E" and incorporated herein as if more fully set forth at this point.

10. That based upon the matters set forth herein and my personal knowledge with respect to the subject

Tax Deed, the Palm Beach County Clerk's Office believes it has complied with the requirements as stated in the Florida Statutes.

FURTHER, AFFIANT SAYETH NAUGHT.

PALM BEACH COUNTY CLERK'S
DEED/TRANSFER LIEN BOND
CO-ORDINATOR

BY: /s/ Tamara T. Stambaugh
TAMARA T. STAMBAUGH

THE FOREGOING instrument was acknowledged before me this 1st day of April, 1992, by TAMARA T. STAMBAUGH, Palm Beach County Tax Deed/Transfer Lien Bond Co-ordinator, who is personally known to me, and who did take an oath.

/s/ Nancy E. Boucher
Notary Public State of Florida

Nancy E. Boucher
Printed name of Notary Public

#611053
Serial number of Notary Public

[SEAL]
OFFICIAL SEAL
NANCY E. BOUCHER
Notary Public State of Florida
My Commission Expires
October 3, 1992

I HEREBY CERTIFY that a true and correct copy of the foregoing was furnished by facsimile and U.S. mail to J. TIMOTHY HORKAN, ESQ., Bond, Schoeneck & King, Suite 1002, Crocker Plaza, 5355 Town Center Road, Boca Raton, Florida 33486, and LEIGH R. SHINOHARA, ESQ.,

Palm Beach County Courthouse, 301 N. Olive Ave., Room 206, West Palm Beach, Florida 33401, on this 1st day of April, 1992.

TEDESCO & LANDIS, P.A.
Attorneys for Defendants
Compson Financial Ctr., Suite 302
980 N. Federal Highway
Boca Raton, Florida 33432
407-391-5506

BY: /s/ Dan M. Landis
DANIEL M. LANDIS, ESQ.

EXHIBIT "A"

ORB 7089 Pg 97

STATE OF FLORIDA

COUNTY OF PALM BEACH

I, JOHN B. DUNKLE, Clerk of the Circuit Court of the Fifteenth Judicial Circuit, in and for Palm Beach County, State of Florida, do hereby certify that I, the Clerk, did on the 10th day of December, 1991 mail a copy of notice addressed to:

ROGER F QUISENBERRY, 325 CONNISTON ROAD, WEST PALM BEACH, FLORIDA

THOMAS & AGNES H EVELYN, 6032 WESTERN WAY, LANTANA, FLORIDA

SOLID WASTE AUTHORITY, P.O. BOX 24693, WEST PALM BEACH, FL 33416

FLORIDA HASCO INC, % KENT JUFFMAN ESQ, 251 ROYAL PALM WAY #211, PALM BEACH, FL 33480

THOMAS FRANK MAGESTRO, 139 N. 12TH AVENUE, LANTANA, FLORIDA

EVERGLADES FEDERAL S & L, 125 N MAIN STREET, BELLE GLADE, FLORIDA 33430

W W & WILMA THOMSON, % MR I.D. NOBLE, P.O. BOX 352, HUDSON, OH

ROGER F QUISENBERRY, 5421 S FLAGLER DRIVE, WEST PALM BEACH, FL 33405

LAKE WORTH DRAINAGE DIST, 13081 MILITARY TRAIL, DELRAY BEACH, FL 33445

TRUST JESSICA LYNN ISRAEL, P.O. BOX 403006, MIAMI BEACH, FL 33140

JOHN B. DUNKLE

CLERK OF THE CIRCUIT COURT

BY: /s/ Tamara T. Stambaugh
Deputy Clerk

[SEAL]

RECORD VERIFIED
PALM BEACH COUNTY, FLA.

CLERK CIRCUIT COURT

EXHIBIT "B"

JAN-15-1992 02:19PM 92-013228

ORB 7089 Pg 96

Palm Beach Review

Published daily, Monday through Friday
except legal holidays
West Palm Beach, Palm Beach County, Florida

STATE OF FLORIDA
COUNTY OF PALM BEACH:

Before the undersigned authority personally appeared D. Mullin, who on oath says she is the General Manager of the Palm Beach Review, a newspaper published at West Palm Beach in Palm Beach County, Florida; that the attached copy of advertisement, being a Legal Advertisement or Notice in the matter of
Notice of Application for Tax Deed Cert. No. 16113
Name in which assessed: Roger F Quisenberry

in the .....xxxxxxxx..... Court,

was published in said newspaper in the issues of

Dec. 10, 17, 24, 31, 1991

Affiant further says that the said Palm Beach Review is a newspaper published at West Palm Beach, in said Palm Beach County, Florida, and that the said newspaper has heretofore been continuously published in said Palm Beach County, Florida and has been entered as second class mail matter of the post office in West Palm Beach in said Palm Beach County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that she has

neither paid nor promised any person, firm of corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in said newspaper.

/s/ D. Mullin

Sworn to and subscribed before me this

31 day of December , A.D. 1991

/s/ Linda Rappaport

[SEAL]

OFFICIAL SEAL
LINDA RAPPAPORT
Notary Public State of Florida
My Commission Expires
FEBRUARY 14, 1993

NOTICE OF APPLICATION FOR TAX DEED

NOTICE IS HEREBY GIVEN, that 1982 TRUST FOR JESSICA LYNN ISRAEL the holder of the following certificate has filed said certificate for a tax deed to be issued thereon. The certificate number and year of issuance, the description of the property, and the names in which it was assessed are as follows:

Certificate No. 16113

Year of issuance JUNE 1, 1989

Description of Property

PALM BEACH RANCHES
(UNREC) LT 2 BLK 4
00-42-45-10-01-004-0020

Name in which assessed
ROGER F. QUISENBERRY

Said property being in the County of PALM BEACH, State of Florida.

Unless such certificate shall be redeemed according to law the property described in such certificate shall be sold to the highest bidder at the courthouse door on the 15th day of JANUARY, 1992, IN COURTHOUSE LOBBY, 2ND STREET ENTRANCE AT 11:00 A.M.

Dated this 10th day of DECEMBER, 1991, SUBJECT TO 1991 TAXES

John B. Dunkle
Clerk of Circuit Court of
PALM BEACH County, Florida
(Circuit Court Seal)
DELINQUENT REAL ESTATE TAXES DUE FOR THE YEARS: 1988, 1989.

TOTAL AMOUNT TO BE REDEEMED: $6,374.55

12/10-17-24-31 – Pg1-1-121044

EXHIBIT "C"

MILTON T. BAUER

Clerk Circuit Court
Palm Beach County, Florida

Tax Deed Sales • Box 484 •
West Palm Beach, Florida 33402-0484 • (407) 355-2962

REPLY TO: TAMARA T. STAMBAUGH

SHERIFF OF PALM BEACH COUNTY

ATTACHED ARE NOTICE OF APPLICATIONS FOR TAX DEEDS WITH A SERVICE DATE OF FEBRUARY 4, 1992. THE CLERK'S OFFICE RESERVES THE RIGHT TO PULL ANY OF THESE APPLICATIONS PRIOR TO THAT DATE.

CERT #	AMOUNT	CERT #	AMOUNT
307 '89	24.00	4172 '88	24.00
349 '89	24.00	4367 '89	12.00
381 '89	24.00	4436 '89	12.00
591 '89	24.00	5271 '88	24.00
1107 '89	12.00	5231 '88	12.00
1364 '89	12.00	5346 '89	12.00
1421 '89	24.00	5623 '88	12.00
1428 '89	12.00	5629 '88	36.00
1627 '89	24.00	6456 '89	12.00
1646 '89	24.00	7739 '89	12.00
1667 '89	12.00	7798 '88	12.00
1672 '89	24.00	7853 '88	12.00
2198 '88	12.00	8117 '89	12.00
2945 '86	12.00	8241 '89	12.00
3004 '85	12.00	8565 '87	24.00

3008 '88	24.00	8693 '89	12.00
3512 '88	12.00	10663 '89	12.00
3607 '89	24.00	10664 '89	12.00
		12080 '89	24.00
		13666 '87	12.00
		13840 '89	24.00
		13849 '87	24.00
		13863 '88	12.00
		14751 '89	36.00

MILTON T. BAUER

CLERK OF THE CIRCUIT COURT

BY: /s/ Tamara T. Stambaugh
DEPUTY CLERK

EXHIBIT "D"

Con 50,900.00 Doc 305.40
CLERK OF THE COURT - PB COUNTY, FL

TAX DEED

STATE OF FLORIDA
COUNTY OF PALM BEACH

The following Tax Sale Certificate Numbered 16113 issued on JUNE 1, 1989 was filed in the office of the tax collector of this County and application made for the issuance of a tax deed, the applicant having paid or redeemed all other taxes or tax sale certificates on the land described as required by law to be paid or redeemed, and the costs and expenses of this sale, and due notice of sale having been published as required by law, and no person entitled to do so having appeared to redeem said land; such land was on the 15TH day of

JANUARY , 1992, offered for sale as required by law for cash to the highest bidder and was sold to STELLY-HOVEN INC AND RPI MANAGEMENT CORP AND LANDCO INC AN UNDIVIDED 1/3 INTEREST EACH . Address P.O. BOX 30211, PALM BEACH GARDENS, FLORIDA 33420 being the highest bidder and having paid the sum of his bid as required by the Laws of Florida.

NOW, this 15TH day of JANUARY , 1992 the County of PALM BEACH , State of Florida, in consideration of the sum of ($ 50,900.00) FIFTY THOUSAND, NINE HUNDRED AND OO/100--------- Dollars, being the amount paid pursuant to the Laws of Florida does hereby sell the following lands situated in the County and State and described as follows

PALM BEACH RANCHES (UNREC)
LT 2 BLK 4

[SEAL]

MILTON T. BAUER,
CLERK CIRCUIT COURT

by /s/ Margaret L. Newlan
Margaret L. Newlan,
Deputy Clerk
PALM BEACH County, Florida

TAX DEED FILE NUMBER 16113 '89
PROPERTY IDENTIFICATION NUMBER
00-42-45-10-01-004-0020

Witness:

/s/ Nancy E. Boucher
NANCY E. BOUCHER

/s/ Tamara T. Stambaugh
TAMARA T. STAMBAUGH

STATE OF FLORIDA
COUNTY OF PALM BEACH

On this 15TH day of JANUARY , 1992 , before: TAMARA T. STAMBAUGH personally appeared MARGARET L. NEWLAN , a Deputy Clerk for Clerk of Circuit Court in and for the State and the County known to me to be the person described in, and who executed the foregoing instrument, and acknowledged the execution of this instrument to be her own free act and deed for the use and purposes therefor mentioned. Whom is personally known to me and who did not take an oath.

Witness my hand and official seal date aforesaid.

[SEAL]

OFFICIAL SEAL
TAMARA T. STAMBAUGH
Notary Public State of Florida
My Commission Expires
October 28, 1992

/s/ Tamara T. Stambaugh
TAMARA T. STAMBAUGH
NOTARY PUBLIC
RECORD VERIFIED
PALM BEACH COUNTY, FLA.

EXHIBIT "E"

PALM BEACH COUNTY SHERIFF'S ORIGINAL RETURN

Court Palm Beach
Case # Circuit Court
16113
001

SERVE: TO ROGER F. QUISENBERRY

ADDR: 325 CONNISTON RD.
WEST PALM BEACH, FL

ATTORNEY: CLERK OF CIRCUIT COURT, ROOM 201

TYPE OF WRIT: CERTIFIED COPY NOTICE OF APPLICATION FOR TAX DEED WITH WARNING & COPY

SERVICE COST $12.00
CHECK 6626
PD

PLAINTIFF: RE: ROGER F. QUISENBERRY

DEFENDANT: N/A

Received this writ on the 11 Day of December A.D. 1991 and served the same on the within named _____ Corporation ✓ Party _____ Garnishee _____ Defendant _____ Witness at 9 40 [AM] PM on the 18 day of December A.D., 1991 in Palm Beach County, Florida.

[X] INDIVIDUAL
By delivering a true copy of this writ with the date and hour of service endorsed thereon by me and a copy of the Pleading.

[X] MISCELLANEOUS Subject to be served does not live at address given. Post as per map instructions.

Served at owners home address: 5421 So. Flagler Dr., WPB, Fla.

Served at residence: 5421 So. Flagler Dr., W.P.B.

By /s/ J. Boccaufusa 1860
Deputy Sheriff

RICHARD P. WILLE,
SHERIFF OF PALM BEACH COUNTY FLORIDA

[STAMP]

CERTIFIED
P 724 240 935
MAIL

JOHN B. DUNKLE

Clerk of Court
Tax Deed Dept
PALM BEACH COUNTY
P.O. Box 484
West Palm Beach, FL 33402-0484

RETURNED
TO
MAILER

UNCLAIMED

ALL RECORDS IN THIS OFFICE ARE MICROFILMED INSURED LEGIBILITY OF YOUR INSTRUMENT. USE GOOD BLACK TYPEWRITER RIBBON AND BLACK INK. WRITE CLEARLY AND FIRMLY.

Name_____
1st Notice 12/4
2nd Notice 12/6
Return 12 26

16113 '89 (illegible)
ROGER F QUISENBERRY
5421 S FLAGLER DR
WEST PALM BEACH FL 33405

Is your RETURN ADDRESS completed on the reverse side?

- **SENDER:** Complete items 1 and 2 when additional services are desired, and complete items 3 and 4.

Put your address in the "RETURN TO" Space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box[es] for additional service(s) requested.

1. [ ] Show to whom delivered, date, and addressee's address.
(Extra charge)

2. [ ] Restricted Delivery
(Extra charge)

UNCLAIMED
Return To Sender

3. Article Addressed to:

16113'89 08
ROGER F. QUISENBERRY
5421 S FLAGLER DR
WEST PALM BEACH FL 33405

4. Article Number
P 724 240 935

Type of Service:

[ ] Registered [ ] Insured

[✓] Certified [ ] COD

[ ] Express Mail [ ] Return Receipt for Merchandise

Always obtain signature of addressee
or agent and DATE DELIVERED.

5. Signature – Addressee
X

6. Signature – Agent
X

UNCLAIMED RETURNED TO MAILER

7. Date of Delivery

8. Addressee's Address *(ONLY if requested and fee paid)*

PS Form 3811, Apr. 1989 ★ U.S.G.P.O. 1989-238-815

DOMESTIC RETURN RECEIPT

Thank you for using
Return Receipt Service.

P 724 240 935

[LOGO]
UNITED STATES
POSTAL SERVICE

Certified Mail Receipt
No Insurance Coverage Provided
Do not use for International Mail
(See Reverse)

16113'89 08
ROBER F QUISENBERRY
5421 S FLAGLER DR
WEST PALM BEACH FL 33405

PS Form 3800, June 1990
Postage $

Certified Fee

Special Delivery Fee

Restricted Delivery Fee

Return Receipt Showing
to Whom & Date Delivered

Return Receipt Showing to Whom,
Date, & Address of Delivery

TOTAL Postage & Fees $

Postmark of Date

Fold at line over top of envelope to the right of the return address.